

**Introduced by Senator Jackson**February 27, 2015

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An act to amend Sections 25117, 25141, 25270.2, 25270.4.1, 25270.4.5, 25270.5, 25270.6, 25281, 25404, 25500, 25503, 25505, 25507, 25507.2, 25508.1, and 25531.2 of, and to add Sections 25110.8.2 and 25143.15 to, the Health and Safety Code, relating to hazardous materials.

## LEGISLATIVE COUNSEL'S DIGEST

SB 612, as introduced, Jackson. Hazardous materials.

(1) Existing law requires the Department of Toxic Substances Control to establish programs for and regulate hazardous waste source reduction. Existing law requires the department to prepare, adopt, and revise, when appropriate, a listing of the wastes that are determined to be hazardous, and a listing of the wastes that are determined to be extremely hazardous. Existing law requires the department to develop, and adopt by regulation, criteria and guidelines for the identification of hazardous wastes and extremely hazardous wastes.

This bill would require the department to adopt regulations establishing criteria and guidelines by December 31, 2016, for determining onsite generation quantities to determine the California generator status, as defined, of a person who generates hazardous waste at an individual site. The bill would require a generator to determine the quantities of all hazardous waste generated onsite each calendar month and to use this quantity to determine his or her California generator status for proper management of those wastes, as specified.

(2) Existing law requires the Secretary for Environmental Protection to implement a unified hazardous waste and hazardous materials management regulatory program. Existing law requires every county

to apply to the secretary to be certified to implement the unified program and allows a city or local agency to implement the unified program as a unified program agency, or UPA. Existing law requires the Office of Emergency Services to adopt, after public hearing and consultation with the Office of the State Fire Marshal and other appropriate public entities, regulations for minimum standards for business plans and area plans, and requires all business plans and area plans to meet the standards adopted by the Office of Emergency Services. Existing law requires a UPA, in consultation with local emergency response agencies, to establish an area plan for emergency response to a release or threatened release of a hazardous material within its jurisdiction. A UPA is required to submit a proposed area plan to the Office of Emergency Services, and the office is required to notify the UPA whether the area plan is adequate and meets the standards adopted by the office in regulations. Existing law requires a UPA to certify to the office every 3 years that it has conducted a complete review of its area plan and has made any necessary revisions and, if a substantial change is made to its area plan, to forward the changes to the office within 14 days after the changes have been made.

This bill would require the UPA to certify to the Office of Emergency Services every 3 years that it has conducted a review of its area plan and has made any necessary revisions or that no substantial changes have been made.

Existing law requires a business handling hazardous materials, as specified, to establish and implement a business plan for emergency response to a release or threatened release of a hazardous material in accordance with the standards prescribed in the regulations adopted by the Office of Emergency Services. The business plan is required to contain specified information, including a site map that contains north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment.

This bill would additionally require the site map to include additional map requirements required by the UPA pursuant to an ordinance.

Existing law makes the knowing violation of the business plan requirements a crime.

This bill, by expanding the requirements for a business plan, would impose a state-mandated local program by expanding the application of a crime.

This bill would make additional legislative findings and declarations relative to the unified program.

(3) The Aboveground Petroleum Storage Act defines, for purposes of the act, an “aboveground storage tank” as a tank that has the capacity to store 55 gallons or more of petroleum and that is substantially or totally above the surface of the ground and a tank in an underground area, as defined, except as specified.

This bill would revise the definition of “aboveground storage tank” to include a tank or container that has the capacity to store 55 gallons or more of petroleum, including drums, intermediate bulk containers, totes, mobile refuelers, oil-filled operational equipment, and oil-filled manufacturing equipment, and that is substantially or totally above the surface of the ground and a tank in an underground area.

Existing law requires the unified program agencies (UPAs) to implement the Aboveground Petroleum Storage Act in accordance with regulations adopted by the Office of the State Fire Marshal and authorizes the Office of the State Fire Marshal to adopt these regulations.

This bill would require the Office of the State Fire Marshal to adopt these regulations.

Except for certain tank facility located on a farm, nursery, logging site, or construction site, the Aboveground Petroleum Storage Act requires each owner or operator of a storage tank at a tank facility to prepare a spill prevention control and countermeasure plan and to conduct periodic inspections of the storage tank.

This bill would revise the above-described exception to the plan and inspection requirements to instead require that the tank facility be operated by, instead of located on, the farm, nursery, logging site, or construction site. The bill would require that the plan address best management practices to prevent petroleum releases, as specified.

(4) Existing law generally regulates the storage of hazardous substances in underground storage tanks and requires underground storage tanks that are used to store hazardous substances and that are installed after January 1, 1984, to meet certain requirements and obtain a permit from the UPA.

This bill would revise the definition of “storage” and “store” for purposes of the regulation of the storage of hazardous substances in underground storage tanks, to exempt storage that is in compliance with specified alternative laws for the regulation of hazardous materials.

This bill would make other changes to the hazardous materials laws.

(5) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 25110.8.2 is added to the Health and  
2 Safety Code, to read:

3 25110.8.2. (a) “California generator status” means the  
4 designation as a “large quantity generator” or a “small quantity  
5 generator” according to the quantity of hazardous waste generated  
6 in a calendar month for purposes of hazardous waste management  
7 pursuant to requirements in this chapter and Chapter 12  
8 (commencing with Section 66262.10) of Division 4.5 of Title 22  
9 of the California Code of Regulations. A generator will be  
10 designated as a “large quantity generator” or a “small quantity  
11 generator” according to the following:

12 (1) “Large quantity generator” or “LQG” means a generator of  
13 more than one kilogram of acutely or extremely hazardous waste,  
14 or 1,000 kilograms or greater of nonacute hazardous waste in a  
15 month as described in Chapter 12 (commencing with Section  
16 66262.10) of Division 4.5 of Title 22 of the California Code of  
17 Regulations.

18 (2) “Small quantity generator” or “SQG” means a generator of  
19 more than 100 kilograms of nonacute hazardous waste in a calendar  
20 month, but less than 1,000 kilograms of nonacute hazardous waste  
21 in a calendar month, as described in Chapter 12 (commencing with  
22 Section 66262.10) of Division 4.5 of Title 22 of the California  
23 Code of Regulations.

24 (b) “Generator” has the same meaning as defined in Section  
25 25205.1.

26 SEC. 2. Section 25117 of the Health and Safety Code is  
27 amended to read:

28 25117. (a) Except as provided in subdivision (d), “hazardous  
29 waste” means a waste that meets any of the criteria for the

1 identification of a hazardous waste adopted by the department  
2 pursuant to Section 25141.

3 (b) “Hazardous waste” includes, but is not limited to, RCRA  
4 hazardous waste.

5 (c) Unless expressly provided otherwise, “hazardous waste”  
6 also includes extremely hazardous waste and acutely hazardous  
7 waste.

8 (d) Notwithstanding subdivision (a), in any criminal or civil  
9 prosecution brought by a city or district attorney or the Attorney  
10 General for violation of this chapter, when it is an element of proof  
11 that the person knew or reasonably should have known of the  
12 violation, or violated the chapter willfully or with reckless disregard  
13 for the risk, or acted intentionally or negligently, the element of  
14 proof that the waste is hazardous waste may be satisfied by  
15 demonstrating that the waste exhibited the characteristics set forth  
16 in subdivision ~~(b)~~ (c) of Section 25141.

17 SEC. 3. Section 25141 of the Health and Safety Code is  
18 amended to read:

19 25141. (a) The department shall develop and adopt by  
20 regulation criteria and guidelines for the identification of hazardous  
21 wastes and extremely hazardous wastes.

22 (b) *By December 31, 2016, the department shall adopt*  
23 *regulations establishing criteria and guidelines for determining*  
24 *onsite generation quantities for purposes of determining a*  
25 *generator’s California generator status.*

26 ~~(b)~~

27 (c) The criteria and guidelines adopted by the department  
28 pursuant to subdivision (a) shall identify waste or combinations  
29 of waste, that may do either of the following, as hazardous waste  
30 because of its quantity, concentration, or physical, chemical, or  
31 infectious characteristics:

32 (1) Cause, or significantly contribute to an increase in mortality  
33 or an increase in serious irreversible, or incapacitating reversible,  
34 illness.

35 (2) Pose a substantial present or potential hazard to human  
36 health or the environment, due to factors including, but not limited  
37 to, carcinogenicity, acute toxicity, chronic toxicity, bioaccumulative  
38 properties, or persistence in the environment, when improperly  
39 treated, stored, transported, or disposed of, or otherwise managed.

40 ~~(e)~~

1 (d) Except as provided in Section 25141.5, any regulations  
2 adopted pursuant to this section for the identification of hazardous  
3 waste as it read on January 1, 1995, which are in effect on January  
4 1, 1995, shall be deemed to comply with the intent of this section  
5 as amended by this act during the 1995 portion of the 1995–96  
6 Regular Session of the Legislature.

7 SEC. 4. Section 25143.15 is added to the Health and Safety  
8 Code, to read:

9 25143.15. (a) Generators shall determine the quantities of all  
10 hazardous waste generated onsite each calendar month. The  
11 quantities of waste calculated within any calendar month shall be  
12 used to determine the California generator status for proper  
13 management of those wastes pursuant to Chapter 12 (commencing  
14 with Section 66262.10) of Division 4.5 of Title 22 of the California  
15 Code of Regulations.

16 (b) Quantities of the following wastes are not to be included in  
17 the determination required of generators by subdivision (a), if they  
18 are managed as specified:

19 (1) Universal wastes and electronic wastes managed in  
20 compliance with Chapter 23 (commencing with Section 66273.1)  
21 of Division 4.5 of Title 22 of the California Code of Regulations.

22 (2) Treated wood wastes managed in compliance with the  
23 alternate management standards of Chapter 34 (commencing with  
24 Section 67386.1) of Division 4.5 of Title 22 of the California Code  
25 of Regulations.

26 (3) Spent lead-acid storage batteries sent for recycling and  
27 managed in compliance with Article 10.5 (commencing with  
28 Section 25215) of this code and Article 7 (commencing with  
29 Section 66266.80) of Chapter 16 of Division 4.5 of Title 22 of the  
30 California Code of Regulations.

31 (4) Recyclable oil filters and fuel filters managed in compliance  
32 with Article 13 (commencing with Section 25250) of this chapter  
33 and Article 6 (commencing with Section 66266.50) of Chapter 16  
34 of Division 4.5 of Title 22 of the California Code of Regulations.

35 (5) Appliances managed in compliance with Article 10.1  
36 (commencing with Section 25211). Hazardous wastes or other  
37 materials that require special handling removed from an appliance  
38 are subject to counting upon removal.

39 (6) Substances that are exempted from the definition of waste  
40 by this article or by regulations adopted by the department.

1 (7) Hazardous waste that is produced from onsite treatment of  
2 hazardous waste, provided the hazardous waste treated was already  
3 counted.

4 SEC. 5. Section 25270.2 of the Health and Safety Code is  
5 amended to read:

6 25270.2. For purposes of this chapter, the following definitions  
7 apply:

8 (a) “Aboveground storage tank” or “storage tank” means a tank  
9 or container that has the capacity to store 55 gallons or more of  
10 petroleum, *including, but not limited to, drums, intermediate bulk*  
11 *containers, totes, mobile refuelers, oil-filled operational equipment,*  
12 *and oil-filled manufacturing equipment as defined in Section 112.2*  
13 *of Title 40 of the Code of Federal Regulations* and that is  
14 substantially or totally above the surface of the ground, except  
15 that, for purposes of this chapter, “aboveground storage tank” or  
16 “storage tank” includes a tank in an underground area.  
17 “Aboveground storage tank” does not include any of the following:

18 (1) A pressure vessel or boiler that is subject to Part 6  
19 (commencing with Section 7620) of Division 5 of the Labor Code.

20 (2) A tank containing hazardous waste, ~~as described in~~  
21 ~~subdivision (g) of Section 25316,~~ *or extremely hazardous waste,*  
22 *as respectively defined in Sections 25117 and 25115,* if the  
23 Department of Toxic Substances Control has issued the person  
24 owning or operating the tank a hazardous waste facilities permit  
25 for the storage tank.

26 (3) An aboveground oil production tank that is subject to Section  
27 3106 of the Public Resources Code.

28 (4) Oil-filled electrical equipment, including, but not limited  
29 to, transformers, circuit breakers, or capacitors, if the oil-filled  
30 electrical equipment meets either of the following conditions:

31 (A) The equipment contains less than 10,000 gallons of dielectric  
32 fluid.

33 (B) The equipment contains 10,000 gallons or more of dielectric  
34 fluid with PCB levels less than 50 parts per million, appropriate  
35 containment or diversionary structures or equipment are employed  
36 to prevent discharged oil from reaching a navigable water course,  
37 and the electrical equipment is visually inspected in accordance  
38 with the usual routine maintenance procedures of the owner or  
39 operator.

1 (5) A tank regulated as an underground storage tank under  
2 Chapter 6.7 (commencing with Section 25280) of this division and  
3 Chapter 16 (commencing with Section 2610) of Division 3 of Title  
4 23 of the California Code of Regulations and that does not meet  
5 the definition of a tank in an underground area.

6 (6) A transportation-related tank facility, subject to the authority  
7 and control of the United States Department of Transportation, as  
8 defined in the Memorandum of Understanding between the  
9 Secretary of Transportation and the Administrator of the United  
10 States Environmental Protection Agency, ~~dated November 24,~~  
11 ~~1971,~~ as set forth in Appendix A to Part 112 (commencing with  
12 Section 112.1) of Subchapter D of Chapter I of Title 40 of the  
13 Code of Federal Regulations.

14 (7) *A tank or tank facility operated by a farm that is exempt*  
15 *from the federal spill prevention, control, and countermeasure*  
16 *rule requirements pursuant to Part 112 (commencing with Section*  
17 *112.1) of Subchapter D of Chapter I of Title 40 of the Code of*  
18 *Federal Regulations.*

19 (b) “Board” means the State Water Resources Control Board.

20 (c) (1) “Certified Unified Program Agency” or “CUPA” means  
21 the agency certified by the Secretary for Environmental Protection  
22 to implement the unified program specified in Chapter 6.11  
23 (commencing with Section 25404) within a jurisdiction.

24 (2) “Participating Agency” or “PA” means an agency that has  
25 a written agreement with the CUPA pursuant to subdivision (d)  
26 of Section 25404.3, and is approved by the secretary, to implement  
27 and enforce the unified program element specified in paragraph  
28 (2) of subdivision (c) of Section 25404, in accordance with Sections  
29 25404.1 and 25404.2.

30 (3) (A) “Unified Program Agency” or “UPA” means the CUPA,  
31 or its participating agencies to the extent that each PA has been  
32 designated by the CUPA, pursuant to a written agreement, to  
33 implement and enforce the unified program element specified in  
34 paragraph (2) of subdivision (c) of Section 25404. The UPAs have  
35 the responsibility and authority, to the extent provided by this  
36 chapter and Sections 25404.1 ~~and 25404.2,~~ to 25404.2, inclusive,  
37 to implement and enforce the requirements of this chapter.

38 (B) After a CUPA has been certified by the secretary, the unified  
39 program agency shall be the only agency authorized to enforce the  
40 requirements of this chapter.



1 (C) This paragraph does not limit the authority or responsibility  
2 granted to the office, the board, and the regional boards by this  
3 chapter.

4 (d) “Office” means the Office of the State Fire Marshal.

5 (e) “Operator” means the person responsible for the overall  
6 operation of a tank facility.

7 (f) “Owner” means the person who owns the tank facility or  
8 part of the tank facility.

9 (g) “Person” means an individual, trust, firm, joint stock  
10 company, corporation, including a government corporation,  
11 partnership, limited liability company, or association. “Person”  
12 also includes any city, county, district, the University of California,  
13 the California State University, the state, any department or agency  
14 thereof, and the United States, to the extent authorized by federal  
15 law.

16 (h) “Petroleum” means crude oil, or a fraction thereof, that is  
17 liquid at 60 degrees Fahrenheit temperature and 14.7 pounds per  
18 square inch absolute pressure.

19 (i) “Regional board” means a California regional water quality  
20 control board.

21 (j) “Release” means any spilling, leaking, pumping, pouring,  
22 emitting, emptying, discharging, escaping, leaching, or disposing  
23 into the environment.

24 (k) “Secretary” means the Secretary for Environmental  
25 Protection.

26 (l) “Storage” or “store” means the containment, handling, or  
27 treatment of petroleum, for a period of time, including on a  
28 temporary basis.

29 (m) “Storage capacity” means the aggregate capacity of all  
30 aboveground *storage* tanks at a tank facility. *The “storage*  
31 *capacity” of a storage tank includes the shell capacity of the*  
32 *storage tank. If a certain portion of the storage tank is incapable*  
33 *of storing petroleum due to integral design, such as mechanical*  
34 *equipment or other interior components, then the storage capacity*  
35 *is reduced to the volume the storage tank can hold.*

36 (n) “Tank facility” means one or more aboveground storage  
37 tanks, including any piping that is integral to the tanks, that contain  
38 petroleum and that are used by an owner or operator at a single  
39 location or site. For purposes of this chapter, a pipe is integrally

1 related to an aboveground storage tank if the pipe is connected to  
2 the tank and meets any of the following:

3 (1) The pipe is within the dike or containment area.

4 (2) The pipe is between the containment area and the first flange  
5 or valve outside the containment area.

6 (3) The pipe is connected to the first flange or valve on the  
7 exterior of the tank, if state or federal law does not require a  
8 containment area.

9 (4) The pipe is connected to a tank in an underground area.

10 (o) “Tank in an underground area” means a *storage* tank to  
11 which all of the following apply:

12 (1) The *storage* tank is located in a structure that is at least 10  
13 percent below the ground surface, including, but not limited to, a  
14 basement, cellar, shaft, pit, or vault.

15 (2) The structure in which the *storage* tank is located, at a  
16 minimum, provides for secondary containment of the contents of  
17 the tank, piping, and ancillary equipment, until cleanup occurs.

18 (3) *A storage tank in an underground area is not subject to*  
19 *Chapter 6.7 (commencing with Section 25280) if the storage tank*  
20 *is in compliance with the provisions of this chapter, the tank facility*  
21 *owner or operator is implementing a plan to prevent and control*  
22 *releases, and the regulations, specific to tanks in underground*  
23 *areas and buried piping connected to tanks in underground areas,*  
24 *have been adopted by the office pursuant to 25270.4.1.*

25 (3)

26 (4) The *storage* tank meets one *or more* of the following  
27 conditions:

28 (A) The *storage* tank contains petroleum to be used or previously  
29 used as a lubricant or coolant in a motor engine or transmission,  
30 ~~the tank~~ *oil-filled operational equipment, or oil-filled*  
31 *manufacturing equipment*, is situated on or above the surface of  
32 the floor, and the structure in which the tank is located provides  
33 enough space for ~~a physical inspection~~ *direct viewing* of the  
34 exterior of the tank except for the part of the tank in contact with  
35 the surface of the floor.

36 (B) The *storage* tank *does not meet the conditions in*  
37 *subparagraph (A), (C), or (D), contains motor fuel, as defined in*  
38 *Section 280.12 of Title 40 of the Code of Federal Regulations, the*  
39 ~~the tank~~ *petroleum*, is situated *on or above* the surface of the floor,  
40 and the structure in which the tank is located provides enough

1 space for a physical inspection *direct viewing* of the exterior of  
2 the tank, all piping connected to the tank including any portion of  
3 a vent line, vapor recovery line, or fill pipe that is beneath the  
4 surface of the ground, and all ancillary equipment. *except for the*  
5 *part of the tank in contact with the surface of the floor, and all*  
6 *piping connected to the tank, including any portion of a vent line,*  
7 *vapor recovery line, or fill pipe that is beneath the surface of the*  
8 *ground, and all ancillary equipment, can either be visually*  
9 *inspected by direct viewing or has both secondary containment*  
10 *and leak detection that meets the requirements of the regulations*  
11 *adopted by the office pursuant to Section 25270.4.1.*

12 (C) *The storage tank contains petroleum that is considered a*  
13 *hazardous waste and complies with the hazardous waste tank*  
14 *standards pursuant to Article 10 (commencing with Section*  
15 *66265.190) of Chapter 15 of Title 22 of the California Code of*  
16 *Regulations and the tank facility has been issued a unified program*  
17 *facility permit pursuant to Section 25404.2 for generation,*  
18 *treatment, accumulation, or storage of hazardous waste.*

19 (D) *The storage tank contains petroleum and is used for*  
20 *emergency systems, is situated on or above the surface of the floor,*  
21 *and the structure in which the tank is located provides enough*  
22 *space for direct viewing of the exterior of the tank except for the*  
23 *part of the tank in contact with the surface of the floor.*

24 (E) *The storage tank meets one of the conditions described in*  
25 *subparagraphs (A) through (D), inclusive and meets all of the*  
26 *following:*

27 (i) *Is located at a facility with a storage capacity of less than*  
28 *1,320 gallons of petroleum.*

29 (ii) *The tank facility owner or operator is monitoring the tank*  
30 *in compliance with recognized industry standards.*

31 (iii) *The tank facility owner or operator is implementing a plan*  
32 *to prevent and control releases to the environment.*

33 (iv) *The tank facility owner or operator is complying with the*  
34 *provisions of this chapter and the regulations adopted by the office.*

35 (p) *“Viewing” means visual inspection, and “direct viewing”*  
36 *means, in regard to a storage tank, direct visual inspection of the*  
37 *exterior of the tank, except for the part of the tank in contact with*  
38 *the surface of the floor, and the entire length of all piping and*  
39 *ancillary equipment by a person or through the use of visual aids,*  
40 *including, but not limited to, mirrors, cameras, or video equipment.*

1 (q) “Waters of the state” means any surface water or  
2 groundwater, including saline waters, within the boundaries of  
3 the state.

4 SEC. 6. Section 25270.4.1 of the Health and Safety Code is  
5 amended to read:

6 25270.4.1. (a) The office—~~may~~ shall adopt regulations  
7 implementing this chapter. The office shall also provide  
8 interpretation of this chapter to the UPAs, and oversee the  
9 implementation of this chapter by the UPAs.

10 (b) The office shall establish an advisory committee that includes  
11 representatives from regulated entities, appropriate trade  
12 associations, fire service organizations, federal, state, and local  
13 organizations, including UPAs, and other interested parties. The  
14 advisory committee shall act in an advisory capacity to the office  
15 in conducting its responsibilities.

16 (c) The office shall, in addition to any other requirements  
17 imposed pursuant to this chapter, train UPAs, ensure consistency  
18 with state law, to the maximum extent feasible, ensure consistency  
19 with federal enforcement guidance issued by federal agencies  
20 pursuant to subdivision (d), and support the UPAs in providing  
21 outreach to regulated persons regarding compliance with current  
22 local, state, and federal regulations relevant to the office’s  
23 obligations under this chapter.

24 (d) Any regulation adopted by the office pursuant to this section  
25 shall ensure consistency with the requirements for spill prevention,  
26 control, and countermeasure plans under Part 112 (commencing  
27 with Section 112.1) of Subchapter D of Chapter I of Title 40 of  
28 the Code of Federal Regulations, and shall include any more  
29 stringent requirements necessary to implement this chapter.

30 SEC. 7. Section 25270.4.5 of the Health and Safety Code is  
31 amended to read:

32 25270.4.5. (a) Except as provided in subdivision (b), each  
33 owner or operator of a storage tank at a tank facility subject to this  
34 chapter shall prepare a spill prevention control and countermeasure  
35 plan prepared in accordance with Part 112 (commencing with  
36 Section 112.1) of Subchapter D of Chapter I of Title 40 of the  
37 Code of Federal Regulations. Each owner or operator specified in  
38 this subdivision shall conduct periodic inspections of the storage  
39 tank to assure compliance with ~~Section~~ Part 112 (commencing  
40 with Section 112.1) of Subchapter D of Chapter I of Title 40 of

1 the Code of Federal Regulations. In implementing the spill  
2 prevention control and countermeasure plan, each owner or  
3 operator specified in this subdivision shall fully comply with the  
4 latest version of the regulations contained in Part 112 (commencing  
5 with Section 112.1) of Subchapter D of Chapter I of Title 40 of  
6 the Code of Federal Regulations. *Tank facilities that are subject  
7 to this chapter shall prepare a spill prevention control and  
8 countermeasure plan addressing best management practices to  
9 prevent petroleum releases using the same format required by Part  
10 112 (commencing with Section 112.1) of Subchapter D of Chapter  
11 I of Title 40 of the Code of Federal Regulations, including tank  
12 facilities not subject to the requirements of that part pursuant to  
13 that part's general applicability provisions in Section 112.1.*

14 (b) A tank facility ~~located on~~ operated by a farm, nursery,  
15 logging site, or construction site is not subject to subdivision (a)  
16 if no storage tank at the location exceeds 20,000 gallons and the  
17 cumulative storage capacity of the tank facility does not exceed  
18 100,000 gallons. ~~The~~ *However, notwithstanding paragraph (7) of  
19 subdivision (a) of Section 25270.2, the owner or operator of a tank  
20 facility exempt pursuant to this subdivision shall take the following  
21 actions:*

22 (1) Conduct a daily visual inspection of any storage tank storing  
23 petroleum. *For purposes of this section, "daily" means every day  
24 that contents are added to or withdrawn from the tank, but no less  
25 than five days per week. The number of days may be reduced by  
26 the number of state or federal holidays that occur during the week  
27 if there is no addition to, or withdrawal from, the tank on the  
28 holiday. The unified program agency may reduce the frequency  
29 of inspections to not less than once every three days at a tank  
30 facility that is exempt pursuant to this section if the tank facility  
31 is not staffed on a regular basis, provided that the inspection is  
32 performed every day the facility is staffed.*

33 (2) Allow the UPA to conduct a periodic inspection of the tank  
34 facility.

35 (3) If the UPA determines installation of secondary containment  
36 is necessary for the protection of the waters of the state, install a  
37 secondary means of containment for each tank or group of tanks  
38 where the secondary containment will, at a minimum, contain the  
39 entire contents of the largest tank protected by the secondary  
40 containment plus precipitation.

1 SEC. 8. Section 25270.5 of the Health and Safety Code is  
2 amended to read:

3 25270.5. (a) Except as provided in subdivision (b), at least  
4 once every three years, the UPA shall inspect each storage tank  
5 or a representative sampling of the storage tanks at each tank  
6 facility that has a storage capacity of 10,000 gallons or more of  
7 petroleum. The purpose of the inspection shall be to determine  
8 whether the owner or operator is in compliance with the spill  
9 prevention control and countermeasure plan requirements of this  
10 chapter.

11 (b) The UPA may develop an alternative inspection and  
12 compliance plan, subject to approval by the ~~secretary~~: *secretary*  
13 *and the office*.

14 (c) An inspection conducted pursuant to this section does not  
15 require the oversight of a professional engineer. The person  
16 conducting the inspection shall ~~meet both of the following~~  
17 ~~requirements: complete and pass the initial aboveground storage~~  
18 ~~tank inspector training program. The curriculum of the~~  
19 ~~aboveground storage tank inspector training program shall focus~~  
20 ~~on the spill prevention control and countermeasure plan provisions~~  
21 ~~and safety requirements for aboveground storage tank inspections.~~

22 (1) ~~Complete an aboveground storage tank training program,~~  
23 ~~which shall be established by the secretary.~~

24 (2) ~~Satisfactorily pass an examination developed by the secretary~~  
25 ~~on the spill prevention control and countermeasure plan provisions~~  
26 ~~and safety requirements for aboveground storage tank inspections.~~

27 SEC. 9. Section 25270.6 of the Health and Safety Code is  
28 amended to read:

29 25270.6. (a) (1) On or before January 1, 2009, and on or  
30 before January 1 annually thereafter, each owner or operator of a  
31 tank facility subject to this chapter shall file with the ~~UPA~~  
32 ~~statewide information management system~~, a tank facility statement  
33 that shall identify the name and address of the tank facility, a  
34 contact person for the tank facility, the total storage capacity of  
35 the tank facility, and the ~~location, size, age,~~ *location* and contents  
36 of each *petroleum* storage tank that exceeds 10,000 gallons in  
37 ~~capacity and that holds a substance containing at least 5 percent~~  
38 ~~of petroleum.~~ *capacity*. A copy of a statement submitted previously  
39 pursuant to this section may be submitted in lieu of a new tank  
40 facility statement if no new or used storage tanks have been added

1 to the facility or if no significant modifications have been made.  
2 For purposes of this section, a significant modification includes,  
3 but is not limited to, altering existing storage tanks or changing  
4 spill prevention or containment methods.

5 (2) Notwithstanding paragraph (1), an owner or operator of a  
6 tank facility that submits a business plan, as defined in subdivision  
7 ~~(e)~~ (d) of Section 25501, to the ~~UPA~~, *statewide information*  
8 *management system* and that complies with Sections ~~25503.5,~~  
9 ~~25503, 25505, and 25510,~~ 25505.1, 25507, 25507.2, 25508, and  
10 25508.1, satisfies the requirement in paragraph (1) to file a tank  
11 facility statement.

12 (b) Each year, commencing in calendar year 2010, each owner  
13 or operator of a tank facility who is subject to the requirements of  
14 subdivision (a) shall pay a fee to the UPA, on or before a date  
15 specified by the UPA. The governing body of the UPA shall  
16 establish a fee, as part of the single fee system implemented  
17 pursuant to Section 25404.5, at a level sufficient to pay the  
18 necessary and reasonable costs incurred by the UPA in  
19 administering this chapter, including, but not limited to,  
20 inspections, enforcement, and administrative costs. The UPA shall  
21 also implement the fee accountability program established pursuant  
22 to subdivision (c) of Section 25404.5 and the regulations adopted  
23 to implement that program.

24 SEC. 10. Section 25281 of the Health and Safety Code is  
25 amended to read:

26 25281. For purposes of this chapter and unless otherwise  
27 expressly provided, the following definitions apply:

28 (a) “Automatic line leak detector” means any method of leak  
29 detection, as determined in regulations adopted by the board, that  
30 alerts the owner or operator of an underground storage tank to the  
31 presence of a leak. “Automatic line leak detector” includes, but is  
32 not limited to, any device or mechanism that alerts the owner or  
33 operator of an underground storage tank to the presence of a leak  
34 by restricting or shutting off the flow of a hazardous substance  
35 through piping, or by triggering an audible or visual alarm, and  
36 that detects leaks of three gallons or more per hour at 10 pounds  
37 per square inch line pressure within one hour.

38 (b) “Board” means the State Water Resources Control Board.  
39 “Regional board” means a California regional water quality control  
40 board.

1 (c) “Compatible” means the ability of two or more substances  
2 to maintain their respective physical and chemical properties upon  
3 contact with one another for the design life of the tank system  
4 under conditions likely to be encountered in the tank system.

5 (d) (1) “Certified Unified Program Agency” or “CUPA” means  
6 the agency certified by the Secretary for Environmental Protection  
7 to implement the unified program specified in Chapter 6.11  
8 (commencing with Section 25404) within a jurisdiction.

9 (2) “Participating Agency” or “PA” means an agency that has  
10 a written agreement with the CUPA pursuant to subdivision (d)  
11 of Section 25404.3, and is approved by the secretary to implement  
12 or enforce the unified program element specified in paragraph (3)  
13 of subdivision (c) of Section 25404, in accordance with Sections  
14 25404.1 and 25404.2.

15 (3) “Unified Program Agency” or “UPA” means the CUPA, or  
16 its participating agencies to the extent each PA has been designated  
17 by the CUPA, pursuant to a written agreement, to implement or  
18 enforce the unified program element specified in paragraph (3) of  
19 subdivision (c) of Section 25404. For purposes of this chapter, a  
20 UPA has the responsibility and authority, to the extent provided  
21 by this chapter and Sections 25404.1 and ~~25404.2~~, to 25404.2,  
22 *inclusive*, to implement and enforce only those requirements of  
23 this chapter listed in paragraph (3) of subdivision (c) of Section  
24 25404 and the regulations adopted to implement those  
25 requirements. Except as provided in Section 25296.09, after a  
26 CUPA has been certified by the secretary, the UPA shall be the  
27 only local agency authorized to enforce the requirements of this  
28 chapter listed in paragraph (3) of subdivision (c) of Section 25404  
29 within the jurisdiction of the CUPA. This paragraph shall not be  
30 construed to limit the authority or responsibility granted to the  
31 board and the regional boards by this chapter to implement and  
32 enforce this chapter and the regulations adopted pursuant to this  
33 chapter.

34 (e) “Department” means the Department of Toxic Substances  
35 Control.

36 (f) “Facility” means any one, or combination of, underground  
37 storage tanks used by a single business entity at a single location  
38 or site.

39 (g) “Federal act” means Subchapter IX (commencing with  
40 Section 6991) of Chapter 82 of Title 42 of the United States Code,



1 as added by the Hazardous and Solid Waste Amendments of 1984  
2 (Public Law 98-616), or as it may subsequently be amended or  
3 supplemented.

4 (h) “Hazardous substance” means either of the following:

5 (1) All of the following liquid and solid substances, unless the  
6 department, in consultation with the board, determines that the  
7 substance could not adversely affect the quality of the waters of  
8 the state:

9 (A) Substances on the list prepared by the Director of Industrial  
10 Relations pursuant to Section 6382 of the Labor Code.

11 (B) Hazardous substances, as defined in Section 25316.

12 (C) Any substance or material that is classified by the National  
13 Fire Protection Association (NFPA) as a flammable liquid, a class  
14 II combustible liquid, or a class III-A combustible liquid.

15 (2) Any regulated substance, as defined in subsection (7) of  
16 Section 6991 of Title 42 of the United States Code, as that section  
17 reads on January 1, 2012, or as it may subsequently be amended  
18 or supplemented.

19 (i) “Local agency” means one of the following, as specified in  
20 subdivision (b) of Section 25283:

21 (1) The unified program agency.

22 (2) Before July 1, 2013, a city or county.

23 (3) On and after July 1, 2013, a city or county certified by the  
24 board to implement the local oversight program pursuant to Section  
25 25297.01.

26 (j) “Operator” means any person in control of, or having daily  
27 responsibility for, the daily operation of an underground storage  
28 tank system.

29 (k) “Owner” means the owner of an underground storage tank.

30 (l) “Person” means an individual, trust, firm, joint stock  
31 company, corporation, including a government corporation,  
32 partnership, limited liability company, or association. “Person”  
33 also includes any city, county, district, the state, another state of  
34 the United States, any department or agency of this state or another  
35 state, or the United States to the extent authorized by federal law.

36 (m) “Pipe” means any pipeline or system of pipelines that is  
37 used in connection with the storage of hazardous substances and  
38 that is not intended to transport hazardous substances in interstate  
39 or intrastate commerce or to transfer hazardous materials in bulk  
40 to or from a marine vessel.

- 1 (n) “Primary containment” means the first level of containment,  
2 such as the portion of a tank that comes into immediate contact on  
3 its inner surface with the hazardous substance being contained.
- 4 (o) “Product tight” means impervious to the substance that is  
5 contained, or is to be contained, so as to prevent the seepage of  
6 the substance from the containment.
- 7 (p) “Release” means any spilling, leaking, emitting, discharging,  
8 escaping, leaching, or disposing from an underground storage tank  
9 into or on the waters of the state, the land, or the subsurface soils.
- 10 (q) “Secondary containment” means the level of containment  
11 external to, and separate from, the primary containment.
- 12 (r) “Single walled” means construction with walls made of only  
13 one thickness of material. For the purposes of this chapter,  
14 laminated, coated, or clad materials are considered single walled.
- 15 (s) “Special inspector” means a professional engineer, registered  
16 pursuant to Chapter 7 (commencing with Section 6700) of Division  
17 3 of the Business and Professions Code, who is qualified to attest,  
18 at a minimum, to structural soundness, seismic safety, the  
19 compatibility of construction materials with contents, cathodic  
20 protection, and the mechanical compatibility of the structural  
21 elements of underground storage tanks.
- 22 (t) (1) “Storage” or “store” means the containment, handling,  
23 or treatment of hazardous substances, either on a temporary basis  
24 or for a period of years. ~~“Storage”~~
- 25 (2) “Storage” or “store” does not include the storage of  
26 hazardous wastes in an underground storage tank if the person  
27 operating the tank has been issued a hazardous waste facilities  
28 permit by the department pursuant to Section 25200 or 25201.6  
29 or granted interim status under Section 25200.5.
- 30 (3) “Storage” or “store” does not include the storage of  
31 hazardous wastes in an underground storage tank if the facility  
32 has been issued a unified program facility permit pursuant to  
33 Section 25404.2 for generation, treatment, accumulation, or  
34 storage of hazardous waste in an underground area, as defined  
35 in Section 280.12 of Title 40 of the Code of Federal Regulations,  
36 that is subject to Chapter 6.67 (commencing with 25270) and  
37 complies with the hazardous waste tank standards pursuant to  
38 Article 10 (commencing with Section 66265.190) of Chapter 15  
39 of Title 22 of the California Code of Regulations.

1 (4) “Storage” or “store” does not include the storage of  
2 hazardous wastes in an underground storage tank if all of the  
3 following apply:

4 (A) The facility has been issued a unified program facility permit  
5 pursuant to Section 25404.2 for generation, treatment,  
6 accumulation, or storage of hazardous waste in a tank.

7 (B) The tank is located in a structure that is at least 10 percent  
8 below the ground surface, including, but not limited to, a basement,  
9 cellar, shaft, pit, or vault.

10 (C) The structure in which the tank is located, at a minimum,  
11 provides for secondary containment of the contents of the tank,  
12 piping, and ancillary equipment, until cleanup occurs.

13 (D) The tank complies with the hazardous waste tank standards  
14 pursuant to Article 10 (commencing with Section 66265.190) of  
15 Chapter 15 of Title 22 of the California Code of Regulations.

16 (u) “Tank” means a stationary device designed to contain an  
17 accumulation of hazardous substances which is constructed  
18 primarily of nonearthen materials, including, but not limited to,  
19 wood, concrete, steel, or plastic that provides structural support.

20 (v) “Tank integrity test” means a test method capable of  
21 detecting an unauthorized release from an underground storage  
22 tank consistent with the minimum standards adopted by the board.

23 (w) “Tank tester” means an individual who performs tank  
24 integrity tests on underground storage tanks.

25 (x) “Unauthorized release” means any release of any hazardous  
26 substance that does not conform to this chapter, including an  
27 unauthorized release specified in Section 25295.5.

28 (y) (1) “Underground storage tank” means any one or  
29 combination of tanks, including pipes connected thereto, that is  
30 used for the storage of hazardous substances and that is  
31 substantially or totally beneath the surface of the ground.  
32 “Underground storage tank” does not include any of the following:

33 (A) A tank with a capacity of 1,100 gallons or less that is located  
34 on a farm and that stores motor vehicle fuel used primarily for  
35 agricultural purposes and not for resale.

36 (B) A tank that is located on a farm or at the residence of a  
37 person, that has a capacity of 1,100 gallons or less, and that stores  
38 home heating oil for consumptive use on the premises where stored.

39 (C) Structures, such as sumps, separators, storm drains, catch  
40 basins, oil field gathering lines, refinery pipelines, lagoons,

1 evaporation ponds, well cellars, separation sumps, and lined and  
2 unlined pits, sumps, and lagoons. A sump that is a part of a  
3 monitoring system required under Section 25290.1, 25290.2,  
4 25291, or 25292 and sumps or other structures defined as  
5 underground storage tanks under the federal act are not exempted  
6 by this subparagraph.

7 (D) A tank holding hydraulic fluid for a closed loop mechanical  
8 system that uses compressed air or hydraulic fluid to operate lifts,  
9 elevators, and other similar devices.

10 (E) A tank in an underground area, as defined in Section  
11 25270.2, and associated piping, that is subject to Chapter 6.67  
12 (commencing with Section 25270).

13 (2) Structures identified in subparagraphs (C) and (D) of  
14 paragraph (1) may be regulated by the board and any regional  
15 board pursuant to the Porter-Cologne Water Quality Control Act  
16 (Division 7 (commencing with Section 13000) of the Water Code)  
17 to ensure that they do not pose a threat to water quality.

18 (z) “Underground tank system” or “tank system” means an  
19 underground storage tank, connected piping, ancillary equipment,  
20 and containment system, if any.

21 (aa) (1) “Unified program facility” means all contiguous land  
22 and structures, other appurtenances, and improvements on the land  
23 that are subject to the requirements of paragraph (3) of subdivision  
24 (c) of Section 25404.

25 (2) “Unified program facility permit” means a permit issued  
26 pursuant to Chapter 6.11 (commencing with Section 25404), and  
27 that encompasses the permitting requirements of Section 25284.

28 (3) “Permit” means a permit issued pursuant to Section 25284  
29 or a unified program facility permit as defined in paragraph (2).

30 SEC. 11. Section 25404 of the Health and Safety Code is  
31 amended to read:

32 25404. (a) For purposes of this chapter, the following terms  
33 shall have the following meanings:

34 (1) (A) “Certified Unified Program Agency” or “CUPA” means  
35 the agency certified by the secretary to implement the unified  
36 program specified in this chapter within a jurisdiction.

37 (B) “Participating Agency” or “PA” means a state or local  
38 agency that has a written agreement with the CUPA pursuant to  
39 subdivision (d) of Section 25404.3, and is approved by the  
40 secretary, to implement or enforce one or more of the unified

1 program elements specified in subdivision (c), in accordance with  
2 Sections 25404.1 and 25404.2.

3 (C) “Unified Program Agency” or “UPA” means the CUPA, or  
4 its participating agencies to the extent each PA has been designated  
5 by the CUPA, pursuant to a written agreement, to implement or  
6 enforce a particular unified program element specified in  
7 subdivision (c). The UPAs have the responsibility and authority  
8 to implement and enforce the requirements listed in subdivision  
9 (c), and the regulations adopted to implement the requirements  
10 listed in subdivision (c), to the extent provided by Chapter 6.5  
11 (commencing with Section 25100), Chapter 6.67 (commencing  
12 with Section 25270), Chapter 6.7 (commencing with Section  
13 25280), Chapter 6.95 (commencing with Section 25500), and  
14 Sections 25404.1 and 25404.2: to 25404.2, inclusive. After a CUPA  
15 has been certified by the secretary, the unified program agencies  
16 and the state agencies carrying out responsibilities under this  
17 chapter shall be the only agencies authorized to enforce the  
18 requirements listed in subdivision (c) within the jurisdiction of the  
19 CUPA.

20 (2) “Department” means the Department of Toxic Substances  
21 Control.

22 (3) “Minor violation” means the failure of a person to comply  
23 with a requirement or condition of an applicable law, regulation,  
24 permit, information request, order, variance, or other requirement,  
25 whether procedural or substantive, of the unified program that the  
26 UPA is authorized to implement or enforce pursuant to this chapter,  
27 and that does not otherwise include any of the following:

28 (A) A violation that results in injury to persons or property, or  
29 that presents a significant threat to human health or the  
30 environment.

31 (B) A knowing, willful, or intentional violation.

32 (C) A violation that is a chronic violation, or that is committed  
33 by a recalcitrant violator. In determining whether a violation is  
34 chronic or a violator is recalcitrant, the UPA shall consider whether  
35 there is evidence indicating that the violator has engaged in a  
36 pattern of neglect or disregard with respect to applicable regulatory  
37 requirements.

38 (D) A violation that results in an emergency response from a  
39 public safety agency.

1 (E) A violation that enables the violator to benefit economically  
2 from the noncompliance, either by reduced costs or competitive  
3 advantage.

4 (F) A class I violation as provided in Section 25117.6.

5 (G) A class II violation committed by a chronic or a recalcitrant  
6 violator, as provided in Section 25117.6.

7 (H) A violation that hinders the ability of the UPA to determine  
8 compliance with any other applicable local, state, or federal rule,  
9 regulation, information request, order, variance, permit, or other  
10 requirement.

11 (4) “Secretary” means the Secretary for Environmental  
12 Protection.

13 (5) “Unified program facility” means all contiguous land and  
14 structures, other appurtenances, and improvements on the land  
15 that are subject to the requirements listed in subdivision (c).

16 (6) “Unified program facility permit” means a permit issued  
17 pursuant to this chapter. For the purposes of this chapter, a unified  
18 program facility permit encompasses the permitting requirements  
19 of Section 25284, and permit or authorization requirements under  
20 a local ordinance or regulation relating to the generation or  
21 handling of hazardous waste or hazardous materials, but does not  
22 encompass the permitting requirements of a local ordinance that  
23 incorporates provisions of the California Fire Code or the  
24 California Building Code.

25 (b) The secretary shall adopt implementing regulations and  
26 implement a unified hazardous waste and hazardous materials  
27 management regulatory program, which shall be known as the  
28 unified program, after holding an appropriate number of public  
29 hearings throughout the state. The unified program shall be  
30 developed in close consultation with the director, the Secretary of  
31 California Emergency Management, the State Fire Marshal, the  
32 executive officers and chairpersons of the State Water Resources  
33 Control Board and the California regional water quality control  
34 boards, the local health officers, local fire services, and other  
35 appropriate officers of interested local agencies, and affected  
36 businesses and interested members of the public, including  
37 environmental organizations.

38 (c) The unified program shall consolidate the administration of  
39 the following requirements and, to the maximum extent feasible  
40 within statutory constraints, shall ensure the coordination and

1 consistency of any regulations adopted pursuant to those  
2 requirements:

3 (1) (A) Except as provided in subparagraphs (B) and (C), the  
4 requirements of Chapter 6.5 (commencing with Section 25100),  
5 and the regulations adopted by the department pursuant thereto,  
6 that are applicable to all of the following:

7 (i) Hazardous waste generators, persons operating pursuant to  
8 a permit-by-rule, conditional authorization, or conditional  
9 exemption, pursuant to Chapter 6.5 (commencing with Section  
10 25100) or the regulations adopted by the department.

11 (ii) Persons managing perchlorate materials.

12 (iii) Persons subject to Article 10.1 (commencing with Section  
13 25211) of Chapter 6.5.

14 (iv) Persons operating a collection location that has been  
15 established under an architectural paint stewardship plan approved  
16 by the Department of Resources Recycling and Recovery pursuant  
17 to the architectural paint recovery program established pursuant  
18 to Chapter 5 (commencing with Section 48700) of Part 7 of  
19 Division 30 of the Public Resources Code.

20 (v) On and before December 31, 2019, a transfer facility, as  
21 ~~described~~ *defined* in paragraph (3) of subdivision (a) of Section  
22 25123.3, that is operated by a door-to-door household hazardous  
23 waste collection program or household hazardous waste residential  
24 pickup service, as defined in subdivision (c) of Section 25218.1.  
25 On and after January 1, 2020, the unified program shall not include  
26 a transfer facility operated by a door-to-door household hazardous  
27 waste collection program.

28 (vi) *Persons who receive used oil from consumers pursuant to*  
29 *Section 25250.11.*

30 (B) The unified program shall not include the requirements of  
31 paragraph (3) of subdivision (c) of Section 25200.3, the  
32 requirements of Sections 25200.10 and 25200.14, and the authority  
33 to issue an order under Sections 25187 and 25187.1, with regard  
34 to those portions of a unified program facility that are subject to  
35 one of the following:

36 (i) A corrective action order issued by the department pursuant  
37 to Section 25187.

38 (ii) An order issued by the department pursuant to Chapter 6.8  
39 (commencing with Section 25300) or former Chapter 6.85  
40 (commencing with Section 25396).

1 (iii) A remedial action plan approved pursuant to Chapter 6.8  
2 (commencing with Section 25300) or former Chapter 6.85  
3 (commencing with Section 25396).

4 (iv) A cleanup and abatement order issued by a California  
5 regional water quality control board pursuant to Section 13304 of  
6 the Water Code, to the extent that the cleanup and abatement order  
7 addresses the requirements of the applicable section or sections  
8 listed in this subparagraph.

9 (v) Corrective action required under subsection (u) of Section  
10 6924 of Title 42 of the United States Code or subsection (h) of  
11 Section 6928 of Title 42 of the United States Code.

12 (vi) An environmental assessment pursuant to Section 25200.14  
13 or a corrective action pursuant to Section 25200.10 or paragraph  
14 (3) of subdivision (c) of Section 25200.3, that is being overseen  
15 by the department.

16 (C) The unified program shall not include the requirements of  
17 Chapter 6.5 (commencing with Section 25100), and the regulations  
18 adopted by the department pursuant thereto, applicable to persons  
19 operating transportable treatment units, except that any required  
20 notice regarding transportable treatment units shall also be provided  
21 to the CUPAs.

22 (2) The requirements of Chapter 6.67 (commencing with Section  
23 25270) concerning aboveground storage tanks.

24 (3) (A) Except as provided in subparagraphs (B) and (C), the  
25 requirements of Chapter 6.7 (commencing with Section 25280)  
26 concerning underground storage tanks and the requirements of any  
27 underground storage tank ordinance adopted by a city or county.

28 (B) The unified program shall not include the responsibilities  
29 assigned to the State Water Resources Control Board pursuant to  
30 Section 25297.1.

31 (C) The unified program shall not include the corrective action  
32 requirements of Sections 25296.10 to 25296.40, inclusive.

33 (4) The requirements of Article 1 (commencing with Section  
34 25500) of Chapter 6.95 concerning hazardous material release  
35 response plans and inventories.

36 (5) The requirements of Article 2 (commencing with Section  
37 25531) of Chapter 6.95, concerning the accidental release  
38 prevention program.

39 (6) The requirements of Sections 2701.5.1 and 2701.5.2 of the  
40 California Fire Code, as adopted by the State Fire Marshal pursuant



1 to Section 13143.9 concerning hazardous material management  
2 plans and inventories.

3 (d) To the maximum extent feasible within statutory constraints,  
4 the secretary shall consolidate, coordinate, and make consistent  
5 these requirements of the unified program with other requirements  
6 imposed by other federal, state, regional, or local agencies upon  
7 facilities regulated by the unified program.

8 (e) (1) The secretary shall establish standards applicable to  
9 CUPAs, participating agencies, state agencies, and businesses  
10 specifying the data to be collected and submitted by unified  
11 program agencies in administering the programs listed in  
12 subdivision (c). ~~Those standards shall incorporate any standard  
13 developed under Section 25503.3.~~

14 (2) (A) ~~No later than January 1, 2010, the~~ *The* secretary shall  
15 establish a statewide information management system capable of  
16 receiving all data collected by the unified program agencies and  
17 reported by regulated businesses pursuant to ~~this subdivision and  
18 Section 25504.1, subdivision,~~ in a manner that is most cost efficient  
19 and effective for both the regulated businesses and state and local  
20 agencies. The secretary shall prescribe an XML or other compatible  
21 Web-based format for the transfer of data from CUPAs and  
22 regulated businesses and make all nonconfidential data available  
23 on the Internet.

24 (B) The secretary shall establish milestones to measure the  
25 implementation of the statewide information management system  
26 and shall provide periodic status updates to interested parties.

27 (3) (A) (i) Except as provided in subparagraph (B), in addition  
28 to any other funding that becomes available, the secretary shall  
29 increase the oversight surcharge provided for in subdivision (b)  
30 of Section 25404.5 by an amount necessary to meet the  
31 requirements of this subdivision for a period of three years, to  
32 establish the statewide information management system, consistent  
33 with paragraph (2). The increase in the oversight surcharge shall  
34 not exceed twenty-five dollars (\$25) in any one year of the  
35 three-year period. The secretary shall thereafter maintain the  
36 statewide information management system, funded by the  
37 assessment the secretary is authorized to impose pursuant to  
38 Section 25404.5.

39 (ii) No less than 75 percent of the additional funding raised  
40 pursuant to clause (i) shall be provided to CUPAs and PAs through

1 grant funds or statewide contract services, in the amounts  
2 determined by the secretary to assist these local agencies in meeting  
3 these information management system requirements.

4 (B) A facility that is owned or operated by the federal  
5 government and that is subject to the unified program shall pay  
6 the surcharge required by this paragraph to the extent authorized  
7 by federal law.

8 (C) The secretary, or one or more of the boards, departments,  
9 or offices within the California Environmental Protection Agency,  
10 shall seek available federal funding for purposes of implementing  
11 this subdivision.

12 (4) No later than three years after the statewide information  
13 management system is established, each CUPA, PA, and regulated  
14 business shall report program data electronically. The secretary  
15 shall work with the CUPAs to develop a phased in schedule for  
16 the electronic collection and submittal of information to be included  
17 in the statewide information management system, giving first  
18 priority to information relating to those chemicals determined by  
19 the secretary to be of greatest concern. The secretary, in making  
20 this determination shall consult with the CUPAs, the California  
21 Emergency Management Agency, the State Fire Marshal, and the  
22 boards, departments, and offices within the California  
23 Environmental Protection Agency. ~~The information initially~~  
24 ~~included in the statewide information management system shall~~  
25 ~~include, but is not limited to, the hazardous materials inventory~~  
26 ~~information required to be submitted pursuant to Section 25504.1~~  
27 ~~for perchlorate materials.~~

28 (5) The secretary, in collaboration with the CUPAs, shall provide  
29 technical assistance to regulated businesses to comply with the  
30 electronic reporting requirements and may expend funds identified  
31 in clause (i) of subparagraph (A) of paragraph (3) for that purpose.

32 SEC. 12. Section 25500 of the Health and Safety Code is  
33 amended to read:

34 25500. (a) The Legislature declares that, in order to protect  
35 the public health and safety and the environment, it is necessary  
36 to establish business and area plans relating to the handling and  
37 release or threatened release of hazardous materials. The  
38 establishment of a statewide environmental reporting system for  
39 these plans is a statewide requirement. Basic information on the  
40 location, type, quantity, and health risks of hazardous materials

1 handled, used, stored, or disposed of in the state, which could be  
2 accidentally released into the environment, is required to be  
3 submitted to firefighters, health officials, planners, public safety  
4 officers, health care providers, regulatory agencies, and other  
5 interested persons. The information provided by business and area  
6 plans is necessary in order to prevent or mitigate the damage to  
7 the health and safety of persons and the environment from the  
8 release or threatened release of hazardous materials into the  
9 workplace and environment.

10 (b) The Legislature further finds and declares that this article  
11 and Article 2 (commencing with Section 25531) do not occupy  
12 the whole area of regulating the inventorying of hazardous  
13 materials and the preparation of hazardous materials response plans  
14 by businesses, and the Legislature does not intend to preempt any  
15 local actions, ordinances, or regulations that impose additional or  
16 more stringent requirements on businesses that handle hazardous  
17 materials. Thus, in enacting this article and Article 2 (commencing  
18 with Section 25531), it is not the intent of the Legislature to  
19 preempt or otherwise nullify any other statute or local ordinance  
20 containing the same or greater standards and protections.

21 (c) *The Legislature further finds and declares that the owners*  
22 *and operators of stationary sources producing, processing,*  
23 *handling, or storing hazardous materials have a general duty, in*  
24 *the same manner and to the same extent as is required by Section*  
25 *654 of Title 29 of the United States Code, to identify hazards that*  
26 *may result from releases using appropriate hazard assessment*  
27 *techniques, to design and maintain a safe facility taking those steps*  
28 *as are necessary to prevent releases, and to minimize the*  
29 *consequences of accidental releases that do occur.*

30 SEC. 13. Section 25503 of the Health and Safety Code is  
31 amended to read:

32 25503. (a) The office shall adopt, after public hearing and  
33 consultation with the Office of the State Fire Marshal and other  
34 appropriate public entities, regulations for minimum standards for  
35 business plans and area plans. All business plans and area plans  
36 shall meet the standards adopted by the office.

37 (b) The standards for business plans in the regulations adopted  
38 pursuant to subdivision (a) shall do all of the following:

- 1 (1) Set forth minimum requirements of adequacy, and not  
2 preclude the imposition of additional or more stringent  
3 requirements by local government.
- 4 (2) Take into consideration and adjust for the size and nature  
5 of the business, the proximity of the business to residential areas  
6 and other populations, and the nature of the damage potential of  
7 its hazardous materials in establishing standards for paragraphs  
8 (3) and (4) of subdivision (a) of Section 25505.
- 9 (3) Take into account the existence of local area and business  
10 plans that meet the requirements of this article so as to minimize  
11 the duplication of local efforts, consistent with the objectives of  
12 this article.
- 13 (4) Define what releases and threatened releases are required  
14 to be reported pursuant to Section 25510. The office shall consider  
15 the existing federal reporting requirements in determining a  
16 definition of reporting releases pursuant to Section 25510.
- 17 (c) A unified program agency shall, in consultation with local  
18 emergency response agencies, establish an area plan for emergency  
19 response to a release or threatened release of a hazardous material  
20 within its jurisdiction. An area plan is not a statute, ordinance, or  
21 regulation for purposes of Section 669 of the Evidence Code. The  
22 standards for area plans in the regulations adopted pursuant to  
23 subdivision (a) shall provide for all of the following:
- 24 (1) Procedures and protocols for emergency response personnel,  
25 including the safety and health of those personnel.
  - 26 (2) Preemergency planning.
  - 27 (3) Notification and coordination of onsite activities with state,  
28 local, and federal agencies, responsible parties, and special districts.
  - 29 (4) Training of appropriate employees.
  - 30 (5) Onsite public safety and information.
  - 31 (6) Required supplies and equipment.
  - 32 (7) Access to emergency response contractors and hazardous  
33 waste disposal sites.
  - 34 (8) Incident critique and followup.
  - 35 (9) Requirements for notification to the office of reports made  
36 pursuant to Section 25510.
- 37 (d) (1) The unified program agency shall submit to the office  
38 for its review a copy of the proposed area plan within 180 days  
39 after adoption of regulations by the office. The office shall notify  
40 the unified program agency as to whether the area plan is adequate

1 and meets the area plan standards. The unified program agency  
2 shall submit a corrected area plan within 45 days of this notice.

3 (2) The unified program agency shall certify to the office every  
4 three years that it has conducted a ~~complete~~ review of its area plan  
5 and has made any necessary ~~revisions~~. *revisions or that no*  
6 *substantial changes have been made.* If a unified program agency  
7 makes a substantial change to its area plan, it shall forward the  
8 changes to the office within 14 days after the changes have been  
9 made.

10 (e) The inspection and enforcement program established  
11 pursuant to paragraphs ~~(2) and (3) and (4)~~ of subdivision (a) of  
12 Section 25404.2, shall include the basic provisions of a plan to  
13 conduct onsite inspections of businesses subject to this article by  
14 the unified program agency. These inspections shall ensure  
15 compliance with this article and shall identify existing safety  
16 hazards that could cause or contribute to a release and, where  
17 appropriate, enforce any applicable laws and suggest preventative  
18 measures designed to minimize the risk of the release of hazardous  
19 material into the workplace or environment. The requirements of  
20 this subdivision do not alter or affect the immunity provided to a  
21 public entity pursuant to Section 818.6 of the Government Code.

22 SEC. 14. Section 25505 of the Health and Safety Code is  
23 amended to read:

24 25505. (a) A business plan shall contain all of the following  
25 information:

26 (1) The inventory of information required by this article and  
27 additional information the governing body of the unified program  
28 agency finds necessary to protect the health and safety of persons,  
29 property, or the environment. Locally required information shall  
30 be adopted by local ordinance and shall be subject to trade secret  
31 protection specified in Section 25512. The unified program agency  
32 shall notify the secretary within 30 days after those requirements  
33 are adopted.

34 (2) A site map that contains north orientation, loading areas,  
35 internal roads, adjacent streets, storm and sewer drains, access and  
36 exit points, emergency shutoffs, evacuation staging areas,  
37 hazardous material handling and storage areas, ~~and~~ emergency  
38 response ~~equipment~~. *equipment, and additional map requirements*  
39 *the governing body of the unified program agency finds necessary.*  
40 *Any locally required additional map requirements shall be adopted*

1 *by local ordinance and the unified program agency shall notify*  
2 *the secretary within 30 days after those requirements are adopted.*  
3 *A site map shall be updated to include the additional information*  
4 *required pursuant to the local ordinance no later than one year*  
5 *after adoption of the local ordinance.*

6 (3) Emergency response plans and procedures in the event of a  
7 release or threatened release of a hazardous material, including,  
8 but not limited to, all of the following:

9 (A) Immediate notification contacts to the appropriate local  
10 emergency response personnel and to the unified program agency.

11 (B) Procedures for the mitigation of a release or threatened  
12 release to minimize any potential harm or damage to persons,  
13 property, or the environment.

14 (C) Evacuation plans and procedures, including immediate  
15 notice, for the business site.

16 (4) Training for all new employees and annual training,  
17 including refresher courses, for all employees in safety procedures  
18 in the event of a release or threatened release of a hazardous  
19 material, including, but not limited to, familiarity with the plans  
20 and procedures specified in paragraph (3). These training programs  
21 may take into consideration the position of each employee. This  
22 training shall be documented electronically or by hard copy and  
23 shall be made available for a minimum of three years.

24 (b) A business required to file a pipeline operations contingency  
25 plan in accordance with the Elder California Pipeline Safety Act  
26 of 1981 (Chapter 5.5 (commencing with Section 51010) of Part 1  
27 of Division 1 of Title 5 of the Government Code) and the  
28 regulations of the Department of Transportation, found in Part 195  
29 (commencing with Section 195.0) of Subchapter D of Chapter I  
30 of Subtitle B of Title 49 of the Code of Federal Regulations, may  
31 file a copy of those plans with the unified program agency instead  
32 of filing an emergency response plan specified in paragraph (3)  
33 of subdivision (a).

34 (c) The emergency response plans and procedures, the inventory  
35 of information required by this article, and the site map required  
36 by this section shall be readily available to personnel of the  
37 business or the unified program facility with responsibilities for  
38 emergency response or training pursuant to this section.

39 SEC. 15. Section 25507 of the Health and Safety Code is  
40 amended to read:

1 25507. (a) Except as provided in this article, a business shall  
2 establish and implement a business plan for emergency response  
3 to a release or threatened release of a hazardous material in  
4 accordance with the standards prescribed in the regulations adopted  
5 pursuant to Section 25503 ~~if the business for any business that~~  
6 ~~meets any of the following conditions:~~ *conditions at a unified*  
7 *program facility:*

8 (1) (A) ~~The business facility~~ handles a hazardous material or a  
9 mixture containing a hazardous material that has a quantity at any  
10 one time during the reporting year that is equal to, or greater than,  
11 55 gallons for materials that are liquids, 500 pounds for solids, or  
12 200 cubic feet for compressed gas, as defined in subdivision (i) of  
13 Section 25501. The physical state and quantity present of mixtures  
14 shall be determined by the physical state of the mixture as a whole,  
15 not individual components, at standard temperature and pressure.

16 (B) For the purpose of this section, for compressed gases, if a  
17 hazardous material or mixture is determined to exceed threshold  
18 quantities at standard temperature and pressure, it shall be reported  
19 in the physical state at which it is stored. If the material is an  
20 extremely hazardous substance, as defined in Section 355.61 of  
21 Title 40 of the Code of Federal Regulations, all amounts shall be  
22 reported in pounds.

23 (2) ~~The business facility~~ is required to submit chemical inventory  
24 information pursuant to Section 11022 of Title 42 of the United  
25 States Code.

26 (3) ~~The business facility~~ handles at any one time during the  
27 reporting year an amount of a hazardous material that is equal to,  
28 or greater than the threshold planning quantity, under both of the  
29 following conditions:

30 (A) The hazardous material is an extremely hazardous substance,  
31 as defined in Section 355.61 of Title 40 of the Code of Federal  
32 Regulations.

33 (B) The threshold planning quantity for that extremely hazardous  
34 substance listed in Appendices A and B of Part 355 (commencing  
35 with Section 355.1) of Subchapter J of Chapter I of Title 40 of the  
36 Code of Federal Regulations is less than 500 pounds.

37 (4) (A) Except as provided in subparagraph (B), the business  
38 handles at any one time during the reporting year a total weight  
39 of 5,000 pounds for solids or a total volume of 550 gallons for  
40 liquids, if the hazardous material is a solid or liquid substance that

1 is classified as a hazard for purposes of Section 5194 of Title 8 of  
2 the California Code of Regulations solely as an irritant or sensitizer.

3 (B) If the hazardous material handled by the ~~business facility~~  
4 is a paint that will be recycled or otherwise managed under an  
5 architectural paint recovery program approved by the Department  
6 of Resources Recovery and Recycling pursuant to Chapter 5  
7 (commencing with Section 48700) of Part 7 of Division 30 of the  
8 Public Resources Code, the business is required to establish and  
9 implement a business plan only if the business handles at any one  
10 time during the reporting year a total weight of 10,000 pounds of  
11 solid hazardous materials or a total volume of 1,000 gallons of  
12 liquid hazardous materials.

13 (5) The ~~business facility~~ handles at any one time during the  
14 reporting year ~~eryogenic, cryogenic~~ refrigerated, or compressed  
15 gas in a quantity of 1,000 cubic feet or more at standard  
16 temperature and pressure, if the gas is any of the following:

17 (A) Classified as a hazard for the purposes of Section 5194 of  
18 Title 8 of the California Code of Regulations only for hazards due  
19 to simple asphyxiation or the release of pressure.

20 (B) Oxygen, nitrogen, and nitrous oxide ordinarily maintained  
21 by a physician, dentist, podiatrist, veterinarian, pharmacist, or  
22 emergency medical service provider at his or her place of business.

23 (C) Carbon dioxide.

24 (D) Nonflammable refrigerant gases, as defined in the California  
25 Fire Code, that are used in refrigeration systems.

26 (E) Gases used in closed fire suppression systems.

27 (6) The ~~business facility~~ handles a radioactive material at any  
28 one time during the reporting year in quantities for which an  
29 emergency plan is required to be considered pursuant to Schedule  
30 C (Section 30.72) of Part 30 (commencing with Section 30.1), Part  
31 40 (commencing with Section 40.1), or Part 70 (commencing with  
32 Section 70.1), of Chapter 1 of Title 10 of the Code of Federal  
33 Regulations, or pursuant to any regulations adopted by the state  
34 in accordance with those regulations.

35 (7) The ~~business facility~~ handles perchlorate material, as defined  
36 in subdivision (c) of Section 25210.5, in a quantity at any one time  
37 during the reporting year that is equal to, or greater than, the  
38 thresholds listed in paragraph (1).

39 (b) The following hazardous materials are exempt from the  
40 requirements of this section:



1 (1) Refrigerant gases, other than ammonia or flammable gas in  
2 a closed cooling system, that are used for comfort or space cooling  
3 for computer rooms.

4 (2) Compressed air in cylinders, bottles, and tanks used by fire  
5 departments and other emergency response organizations for the  
6 purpose of emergency response and safety.

7 (3) (A) Lubricating oil, if the total volume of each type of  
8 lubricating oil handled at a facility does not exceed 55 gallons and  
9 the total volume of all types of lubricating oil handled at that  
10 facility does not exceed 275 gallons, at any one time.

11 (B) For purposes of this paragraph, “lubricating oil” means oil  
12 intended for use in an internal combustion crankcase, or the  
13 transmission, gearbox, differential, or hydraulic system of an  
14 automobile, bus, truck, vessel, airplane, heavy equipment, or other  
15 machinery powered by an internal combustion or electric powered  
16 engine. “Lubricating oil” does not include used oil, as defined in  
17 subdivision (a) of Section 25250.1.

18 (4) Both of the following, if the aggregate storage capacity of  
19 oil at the facility is less than 1,320 gallons:

20 (A) Fluid in a hydraulic system.

21 (B) Oil-filled electrical equipment that is not contiguous to an  
22 electric facility.

23 (5) Hazardous material contained solely in a consumer product,  
24 handled at, and found in, a retail establishment and intended for  
25 sale to, and for the use by, the public. The exemption provided for  
26 in this paragraph shall not apply to a consumer product handled  
27 at the facility which manufactures that product, or a separate  
28 warehouse or distribution center of that facility, or where a product  
29 is dispensed on the retail premises.

30 (6) Propane that is for on-premises use, storage, or both, in an  
31 amount not to exceed 500 gallons, that is for the sole purpose of  
32 cooking, heating employee work areas, and heating water within  
33 that ~~business, facility~~, unless the ~~uniform~~ *unified* program agency  
34 finds, and provides notice to the ~~business facility~~ handling the  
35 propane, that the handling of the on-premises propane requires the  
36 submission of a business plan, or any portion of a business plan,  
37 in response to public health, safety, or environmental concerns.

38 (c) In addition to the authority specified in subdivision (e), the  
39 governing body of the unified program agency may, in exceptional  
40 circumstances, following notice and public hearing, exempt a

1 hazardous material specified in subdivision (n) of Section 25501  
2 from Section 25506, if it is found that the hazardous material would  
3 not pose a present or potential danger to the environment or to  
4 human health and safety if the hazardous material was released  
5 into the environment. The unified program agency shall send a  
6 notice to the office and the secretary within 15 days from the  
7 effective date of any exemption granted pursuant to this  
8 subdivision.

9 (d) The unified program agency, upon application by a handler,  
10 may exempt the handler, under conditions that the unified program  
11 agency determines to be proper, from any portion of the  
12 requirements to establish and maintain a business plan, upon a  
13 written finding that the exemption would not pose a significant  
14 present or potential hazard to human health or safety or to the  
15 environment, or affect the ability of the unified program agency  
16 and emergency response personnel to effectively respond to the  
17 release of a hazardous material, and that there are unusual  
18 circumstances justifying the exemption. The unified program  
19 agency shall specify in writing the basis for any exemption under  
20 this subdivision.

21 (e) The unified program agency, upon application by a handler,  
22 may exempt a hazardous material from the inventory provisions  
23 of this article upon proof that the material does not pose a  
24 significant present or potential hazard to human health and safety  
25 or to the environment if released into the workplace or  
26 environment. The unified program agency shall specify in writing  
27 the basis for any exemption under this subdivision.

28 (f) The unified program agency shall adopt procedures to  
29 provide for public input when approving applications submitted  
30 pursuant to subdivisions (d) and (e).

31 SEC. 16. Section 25507.2 of the Health and Safety Code is  
32 amended to read:

33 25507.2. Unless required by a local ordinance, the unified  
34 program agency shall exempt ~~a business operating~~ an unstaffed  
35 facility located at least one-half mile from the nearest occupied  
36 structure from Sections 25508.2 and 25511, and shall subject the  
37 business to Sections 25505, 25506, and 25507 only as specified  
38 in this section, if the ~~business facility~~ is not otherwise subject to  
39 the requirements of applicable federal law, and all of the following  
40 requirements are met:

1 (a) The types and quantities of materials onsite are limited to  
2 one or more of the following:

3 (1) One thousand standard cubic feet of compressed inert gases  
4 (asphyxiation and pressure hazards only).

5 (2) Five hundred gallons of combustible liquid used as a fuel  
6 source.

7 (3) Corrosive liquids, not to exceed 500 pounds of extremely  
8 hazardous substances, used as electrolytes, and in closed containers.

9 (4) Five hundred gallons of lubricating and hydraulic fluids.

10 (5) One thousand two hundred gallons of hydrocarbon gas used  
11 as a fuel source.

12 (6) Any quantity of mineral oil contained within electrical  
13 equipment, such as transformers, bushings, electrical switches,  
14 and voltage regulators, if the spill prevention control and  
15 countermeasure plan has been prepared for quantities that meet or  
16 exceed 1,320 gallons.

17 (b) The facility is secured and not accessible to the public.

18 (c) Warning signs are posted and maintained for hazardous  
19 materials pursuant to the California Fire Code.

20 (d) (1) Notwithstanding Sections 25505 and 25507, a one-time  
21 business plan, except for the emergency response plan and training  
22 elements specified in paragraphs (3) and (4) of subdivision (a) of  
23 Section 25505, is submitted to the statewide information  
24 management system. This one-time business plan submittal is  
25 subject to a verification inspection by the unified program agency  
26 and the unified program agency may assess a fee not to exceed the  
27 actual costs of processing and for inspection, if an inspection is  
28 conducted.

29 (2) If the information contained in the one-time submittal of the  
30 business plan changes and the time period of the change is longer  
31 than 30 days, the business plan shall be resubmitted within 30 days  
32 to the statewide information management system to reflect any  
33 change in the business plan. A fee not to exceed the actual costs  
34 of processing and inspection, if conducted, may be assessed by  
35 the unified program agency.

36 SEC. 17. Section 25508.1 of the Health and Safety Code is  
37 amended to read:

38 25508.1. Within 30 days of any one of the following events,  
39 a business subject to this article shall electronically update the

1 information submitted to the statewide information management  
2 system:

3 (a) A 100 percent or more increase in the quantity of a  
4 previously disclosed material.

5 (b) Any handling of a previously undisclosed hazardous material  
6 subject to the inventory requirements of this article.

7 (c) Change of business address.

8 (d) Change of business ownership.

9 (e) Change of business name.

10 (f) (1) A substantial change in the handler's operations occurs  
11 that requires modification to any portion of the business plan.

12 (2) For the purpose of this subdivision, "substantial change"  
13 means any change in a ~~regulated~~ facility that would inhibit  
14 immediate response during an emergency by either site personnel  
15 or emergency response personnel, or that could inhibit the handler's  
16 ability to comply with Section 25507, change the operational  
17 knowledge of the facility, or impede implementation of the business  
18 plan.

19 SEC. 18. Section 25531.2 of the Health and Safety Code is  
20 amended to read:

21 25531.2. (a) The Legislature finds and declares that as the  
22 state implements the federal accidental release prevention program  
23 pursuant to this article, the Office of Emergency Services will play  
24 a vital and increased role in preventing accidental releases of  
25 extremely hazardous substances. The Legislature further finds and  
26 declares that as an element of the unified program established  
27 pursuant to Chapter 6.11 (commencing with Section 25404), a  
28 single fee system surcharge mechanism is established by Section  
29 25404.5 to cover the costs incurred by the office pursuant to this  
30 article. It is the intent of the Legislature that this existing authority,  
31 together with any federal assistance that may become available to  
32 implement the accidental release program, be used to fully fund  
33 the activities of the office necessary to implement this article.

34 (b) *The Legislature further finds and declares that the owners  
35 and operators of stationary sources producing, processing,  
36 handling, or storing hazardous materials have a general duty, in  
37 the same manner and to the same extent as is required by Section  
38 654 of Title 29 of the United States Code, to identify hazards that  
39 may result from releases using appropriate hazard assessment  
40 techniques, to design and maintain a safe facility taking those steps*

1 *as are necessary to prevent releases, and to minimize the*  
2 *consequences of accidental releases that do occur.*

3 ~~(b)~~

4 (c) The office shall use any federal assistance received to  
5 implement Chapter 6.11 (commencing with Section 25404) to  
6 offset any fees or charges levied to cover the costs incurred by the  
7 office pursuant to this article.

8 SEC. 19. No reimbursement is required by this act pursuant to  
9 Section 6 of Article XIII B of the California Constitution because  
10 the only costs that may be incurred by a local agency or school  
11 district will be incurred because this act creates a new crime or  
12 infraction, eliminates a crime or infraction, or changes the penalty  
13 for a crime or infraction, within the meaning of Section 17556 of  
14 the Government Code, or changes the definition of a crime within  
15 the meaning of Section 6 of Article XIII B of the California  
16 Constitution.